

National Education (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Compulsory Education.

Clause.

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2. Prohibition of employment of children required to attend school.
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14. Extent of Act.
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SCHEDULE.

[Bill 420.]

B I L L

[AS AMENDED IN COMMITTEE]

TSG

Improve National Education in Ireland

A.D. 1892

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Compulsory Education

1.—(1.) In every place to which this section applies, the parent of every child not less than six nor more than fourteen years of age shall cause the child to attend school during such number of days in the year and for such time on each day of attendance as are prescribed in the First Schedule to this Act, unless there is a reasonable excuse for non-attendance.

(2.) Provided that a child over eleven years of age shall not be required to attend school if the child has received such certificate of his proficiency in reading, writing, and elementary arithmetic, as is prescribed in the Second Schedule to this Act.

(3.) Any of the following reasons shall be a reasonable excuse for non-attendance of a child: namely,

(a.) That there is not within two miles, measured according to the nearest road, from the residence of the child any national school or other efficient school at which the child can attend, and to which the parent of the child does not object, on religious grounds, to send the child :

(b.) That the child has been prevented from attending school by sickness, domestic necessity, or by reason of being engaged in necessary operations of husbandry and the ingathering of crops, or giving assistance in the fisheries, or other work requiring to be done at a particular time or season, or other unavoidable or reasonable cause :

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- (c.) That the child, being under seven years of age, lives at too great a distance from any national school or other efficient school which he can attend, even though that distance is less than two miles;
- (d.) That the child is receiving suitable elementary education in some other manner.

Prohibition
of employ-
ment of
children re-
quired to at-
tend school.

2.—(1.) A person shall not, except as in this Act mentioned, take into his employment in any place to which this section applies, any child, except for the setting or planting potatoes, hay-making, or harvesting. 10

- (i.) who is under the age of eleven years; or
- (ii.) who, being of the age of eleven years or upwards, and less than fourteen years of age, has not obtained such certificate of his proficiency in reading, writing, and elementary arithmetic, as is prescribed in the Second Schedule to this Act, unless the child is employed and is attending school in accordance with the Factory and Workshop Acts, 1878 to 1891, but no employer shall compel a child to attend a school to which its parent objects on religious grounds. 15

(2.) If any person acts in contravention of this section, he shall be liable on summary conviction to a fine not exceeding forty shillings. 20

Attendance
orders and
enforcement
thereof.

3.—(1.) If any parent who is required by this Act to cause his child to attend school makes default without reasonable excuse in so doing, the school attendance committee shall, after due warning to the parent, make a complaint to a court of summary jurisdiction, unless they think that it is inexpedient to take such proceedings, and the court, if satisfied of the truth of the complaint, may make an order (in this Act called an attendance order) that the child do attend, in accordance with the requirements of this Act, some national school or other efficient school, and, subject to the provisions of section one of this Act, the child shall attend some such school in such regular manner as is specified in the order. 25 30

(2.) If the school attendance committee have reason to believe that an attendance order has not been complied with, and that there is not any reasonable excuse within the meaning of this Act for non-compliance therewith, they may make a further complaint to a court of summary jurisdiction, and thereupon, if the parent does not satisfy the court that the order has been complied with, or that he has used all reasonable efforts to comply therewith, the court may impose on him a fine not exceeding, including costs, five shillings. 35 40

(3.) A complaint under this section with respect to a continuing non-compliance with an attendance order shall not be repeated by the school attendance committee at any less interval than two months.

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Exception to prohibition of employment of children.

4. A person shall not be deemed to have taken a child into his employment in contravention of this Act, if it is proved to the satisfaction of the court having cognisance of the case, either—

(1) that during the employment there is not within two miles, measured according to the nearest road, from the residence of the child, any national school or other efficient school which the child can attend, subject to the provisions of section one of this Act; or

(2) that the employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of the child, and that the child obtains such instruction by attendance, in accordance with the requirements of this Act, at a national school, or in some other equally efficient manner.

5.—(1.) Where the offence of taking a child into employment in contravention of this Act is in fact wilfully committed by an agent or workman of the employer, that agent or workman shall be liable to a fine as if he were the employer.

Exemption.

(2.) Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which the employment is not in contravention of this Act, that parent shall be liable on summary conviction to a fine not exceeding forty shillings.

(3.) Where an employer charged with taking a child into his employment in contravention of this Act, proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate, and under the belief in good faith in the genuineness and truth of the certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith in the representation, the employer shall be exempt from any fine.

(4.) Where an employer satisfies the person about to institute a prosecution that he is exempt under this section by reason of some

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agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting that agent, workman, or parent, proceedings shall be instituted against that agent, workman, or parent, and not against the employer.

Regulations
as to legal
proceedings.

6.—(1.) For the purposes of this Act a court of summary jurisdiction shall be constituted of not less than two justices of the peace, or of a divisional justice of Dublin metropolis, every judgment of such court imposing a penalty shall be subject to appeal.

(2.) Any justice of the peace may by summons require any parent of a child required under this Act to attend school to produce the child before a court of summary jurisdiction; and any person failing without reasonable excuse to the satisfaction of the court to comply with such a summons shall be liable on summary conviction to a fine not exceeding twenty shillings.

(3.) A certificate purporting to be under the hand of the principal teacher of a national school, or other efficient school, stating that a child is or is not attending the school, or stating the particulars of the attendance of a child at the school, shall be conclusive evidence of the facts stated in the certificate.

(4.) A certificate, purporting to be under the hand of the dispensary medical officer of any district, stating that a child is ill, or that there is illness in the family of the child, or where the child resides, shall be conclusive evidence of the facts.

(5.) When a child is apparently of the age alleged by the complainant in the course of any proceedings under this Act, it shall lie on the defendant to prove that the child is not of that age.

(6.) Any person may appear in any proceedings under this Act by any member of his family or any other person authorised by him in this behalf.

(7.) A school attendance committee may appear in any such proceedings by any person appointed by them in that behalf.

Regulations
as to registers.

7. The Commissioners may make regulations as to the registers to be kept by school attendance committees and by the teachers of national schools, and as to the inspection thereof, and every school attendance committee shall comply with such regulations.

Provided that a teacher shall not be required under any such regulations to produce a register for inspection except so far as it relates to the attendance of scholars at the school.

Searches in
registers of
births.

8. Every superintendent registrar or registrar of births and deaths, or other person having the custody of the register books kept in accordance with the Births and Deaths Registration Acts

(Ireland), 1863 to 1880, shall at all reasonable times permit any officer of a school attendance committee, on production of an authority from the committee in a form approved by the Registrar General, to inspect the register books without any fee or reward, and to take such notes and extracts as he may deem necessary for enabling him to perform his duties under this Act.

A.D. 1892.
26 & 27 Vict.
c. 11.
42 & 44 Vict.
c. 13.

9. For the purposes of this Act the expression "parent" shall include the guardian of a child and every person who is liable to maintain or has the actual custody of the child.

Meaning of
"parent."

10. If any person forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is, to his knowledge, false in any material particular, or, knowing any such certificate to be forged or counterfeit, makes use thereof, or makes or knowingly uses any false entry in any register kept in pursuance of this Act, he shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

Forgery,
false entries,
and false
information.

11.—(1.) The foregoing provisions of this Act shall apply to every place which either is a municipal borough or is a town or township under commissioners, and the council or commissioners of the place shall be the local authority of the place for the purposes of this Act.

Application
of foregoing
provisions.

(2.) Any county council which may be established under any Act of this or any future session of Parliament may, by resolution, and shall on application made by any baronial council so established with reference to their barony or any part thereof, apply the foregoing provisions of this Act to any part of their county, and thereupon those provisions shall so apply, and the county council shall be, for the purposes of this Act, the local authority of the place to which it is so applied, and may order the expenses under this Act to be levied off that place. Where as regards any suburb or other area outside the boundaries of, but immediately adjoining any municipal borough or any town or township under Commissioners, the Commissioners of National Education consider that, having regard to the character and local situation of such suburb or area, the provisions of this Act should apply to the same, the Commissioners may, after such local inquiry as they think fit, by order so declare, and thereupon the provisions of this Act shall apply to such suburb or area, and the local authority and school attendance committee of the borough, town, or township to which the said suburb or area adjoins shall carry out the provisions of this

A.D. 1892. Act in the same in like manner as if the said suburb or area were within the boundaries of the said borough, town, or township: Provided that no order shall be made under this section unless the consent of the local authority concerned has been first obtained.

Provided further, that no such order shall remain in force after the provisions of this Act have been duly applied to such suburb or area by resolution of a county council. An order made by the Commissioners under this section shall be published in the Dublin Gazette and in the newspapers published in the locality, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of any such order, shall be conclusive evidence that such order was duly made and properly published, and of the date and contents thereof.

Commence-
ment of
foregoing
provisions.

12. The foregoing provisions of this Act shall come into operation on the first day of January one thousand eight hundred and ninety-three, except that a school attendance committee may be appointed, and regulations for its guidance may be framed, at any time after the passing of this Act.

Parliamentary Grant.

School grant
and limit of
school fees
in schools
receiving
grant.

13.—(1.) After the financial year ending the thirty-first day of March one thousand eight hundred and ninety-two there shall be paid out of moneys provided by Parliament an annual grant (in this Act called the school grant) in aid of education in elementary schools conducted in accordance with the regulations of the Commissioners, of two hundred and ten thousand pounds or of such other amount as Parliament may determine having regard to the amount of the fee grant under the Elementary Education Act, 1891; and the school grant shall be applied in accordance with the provisions of the schedule to this Act.

54 & 55 Vict.
c. 65.

(2.) In any school receiving aid from the school grant (and not being an evening school), where the average rate (as determined by the Commissioners) of fees received during the year one thousand eight hundred and ninety-one was not in excess of six shillings a year for each child of the number of children in average attendance at the school, no school fee shall be charged after the first day of October one thousand eight hundred and ninety-two for any child.

(3.) In any school receiving aid from the school grant (and not being an evening school), where the said average rate was so in excess, the fees to be charged shall not be such as to make the

average rate of fees for all children in average attendance at the school exceed for any year the amount of the said excess. A.D. 1892.

(4.) After the passing of this Act the scale of school fees in any school receiving aid from the school grant shall not be altered or fixed except with the approval of the Commissioners.

(5.) For the purposes of this section and of the schedule to this Act the expression "child" shall mean a child over three and under fifteen years of age.

Supplemental.

10 14. This Act shall extend to Ireland only.

Extent of
Act.

15. This Act may be cited as the Irish Education Act, 1892.

Short title.

SCHEDULE.

PROVISIONS AS TO APPLICATION OF GRANT FOR ELEMENTARY SCHOOLS.

15 The school grant shall be applied by the Commissioners in accordance with regulations to be made by them with the concurrence of the Treasury, as follows:—

20 First.—In augmenting by twenty per centum the existing rate of class salaries of teachers and of salaries of assistant teachers, and by *three shillings and sixpence* the capitation grant to schools receiving such grants and not having teachers paid by class salaries.

Secondly.—In granting a bonus of nine pounds to each male, and seven pounds ten shillings to each female, assistant teacher of seven years' standing who is classed higher than the third class.

25 Thirdly.—In awarding a third class salary to each teacher of a school having an average attendance of from twenty to thirty children.

Fourthly.—The residue shall be distributed as a capitation grant as nearly as possible in proportion to the average number of children daily attending the several schools in aid of which salaries or other money payments are paid by the Commissioners.

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National Education
(Ireland).

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(AS AMENDED IN COMMISSION)

To improve National Education in
Ireland.

(Proposed and brought in by
Mr. Jackson and Mr. Attorney General for
Ireland.)

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